Revised Memorandum of Understanding on the Establishment of the ASEAN Foundation

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member States of the Association of Southeast Asian Nations (ASEAN);

Recalling the Bangkok Summit Declaration of 1995, which provides that ASEAN shall elevate Functional Cooperation to a higher plane to bring shared prosperity to all its members, and the agreement of the Heads of State/Government of ASEAN at the First Informal Summit Meeting in Jakarta on 30 November 1996 to develop ideas for the establishment of the ASEAN Foundation;

Recalling also the Framework for Elevating Functional Cooperation adopted by the 29th ASEAN Ministerial Meeting in Jakarta on 20 July 1996, which provides that the theme for Functional Cooperation shall be Shared Prosperity through Human Development, Technological Competitiveness and Social Cohesiveness;

Impelled by the need to preserve the sustainable future of ASEAN and by the desirability of the mutual benefits to be derived from the establishment of the ASEAN Foundation;

Have reached the following understanding:

ARTICLE I

Establishment and Membership

1. There shall be established the ASEAN FOUNDATION, hereinafter referred to as "the Foundation".

2. Member States of ASEAN shall be members of the Foundation.

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ARTICLE XV

Amendment

Any ASEAN Member State may propose amendments to this Memorandum of Understanding. Such amendments, when approved by all ASEAN Member States, shall come into force on such date as may be agreed upon.

ARTICLE XVI

Working Language

The working language of the Foundation shall be English.

ARTICLE XVII

Final Provisions

1. This Memorandum of Understanding shall enter into force upon deposit of instruments of ratification or letters of acceptance by all signatory governments with the Secretary-General of ASEAN.

2. This Memorandum of Understanding shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each ASEAN Member State.

3. Any differences arising in the interpretation of the provisions of this Memorandum of Understanding shall be settled through consultations among the ASEAN Member States.

ARTICLE XVIII

Repeal and Savings Provisions

1. Subject to clause 2 of this Article, the Memorandum of Understanding on the Establishment of the Foundation done in Kuala Lumpur, Malaysia, on the Fifteenth day of December 1997 is hereby repealed, hereinafter referred to as "the repealed Memorandum of Understanding".

2. When this Memorandum of Understanding enters into force, the reconstitution of the Foundation established by the repealed Memorandum of Understanding shall take effect and its objectives, organs and powers shall be as provided in this Memorandum. The legal personality possessed by and the assets, rights and liabilities of the ASEAN Foundation established by the repealed Memorandum of Understanding shall continue in the Foundation established by this Memorandum. Unless otherwise decided by the

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Board, all decisions taken and acts done pursuant to the repealed Memorandum of Understanding shall continue to be effective and be deemed to be in accordance with the relevant provisions of this Memorandum.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective government, have signed this Memorandum of Understanding.

Done in Bangkok, Thailand, this twenty fifth day of July in the year Two Thousand, in one original copy in the English language.

For the Government of Brunei Darussalam:

MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Government of the Kingdom of Cambodia:

HOR NAMHONG
Senior Minister and
Minister of Foreign Affairs and International Cooperation

For the Government of the Republic of Indonesia:

ALWI SHIHAB
Minister for Foreign Affairs

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For the Government of the Lao People's Democratic Republic:

SOMSAVAT LENGSAVAD
Deputy Prime Minister and Minister of Foreign Affairs

For the Government of Malaysia:

SYED HAMID ALBAR
Minister of Foreign Affairs

For the Government of the Union Myanmar:

WIN AUNG
Minister for Foreign Affairs

For the Government of the Republic of the Philippines:

DOMINGO L. SIAZON, JR.
Secretary of Foreign Affairs

For the Government of the Republic of Singapore:

S. JAYAKUMAR
Minister for Foreign Affairs

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For the Government of the Kingdom of Thailand:

SURIN PITSUWAN
Minister of Foreign Affairs

For the Government of the Socialist Republic of Viet Nam:

NGUYEN DY NIEN
Minister for Foreign Affairs

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